

*SUPERIOR COURT OF CALIFORNIA
APPELLATE DIVISION*

United States District Court
Albuquerque, New Mexico



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Cr. No. 20-CR-01565-JB
FELIX CURTIS,)
Defendant.)

UNITED STATES' PROFFER OF EVIDENCE AT TRIAL

The United States respectfully submits that, were this matter to proceed to trial, the
United States would prove the following facts beyond a reasonable doubt:

1. On or about September 14, 2019, in Indian Country, in San Juan County, in the District of New Mexico, the defendant, Felix Curtis, an Indian, unlawfully killed John Doe, while the defendant drove a vehicle under the influence of alcohol.
 2. Defendant is an enrolled member of the Navajo Nation and was driving eastbound on Indian Route 36 near MP26, which is in San Juan County, State and District of New Mexico, near the Northern Edge Navajo Casino and within the exterior boundaries of the Navajo Nation.
 3. Defendant slowed his vehicle down while getting ready to make a left turn onto Canal Road. At this time, there was a black Harley Davidson Breakout being driven by John Doe, the person named in the Indictment, who was also an enrolled member of the Navajo Nation and traveling westbound on Indian Route 36 near MP26. At the moment Defendant made a left turn towards Canal Road,

he crossed into the opposing traffic lane and directly in the travel path of John Doe.

4. John Doe's motorcycle collided with the passenger side rear-end of the vehicle that Defendant was driving. The impact of the collision killed John Doe and caused multiple blunt force injuries.
5. When law enforcement arrived on scene Defendant was detained and consented to field sobriety tests, which he performed poorly on and showed signs of impairment.
6. Defendant admitted to drinking alcohol prior to driving the vehicle and he voluntarily submitted to a breath test within three hours of driving, which resulted in a blood alcohol concentration (B.A.C.) level of .12 and .11.
7. In the State of New Mexico, it is unlawful to operate a motor vehicle with a B.A.C. of eight one hundredths or more within three hours of driving.
8. Defendant recklessly operated the motor vehicle without due caution and circumspection and with a wanton and reckless disregard for human life when he knew and should have known that his conduct imperiled the lives of others.

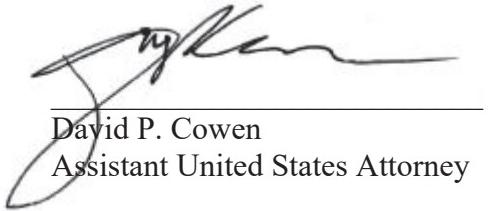
Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney



DAVID P. COWEN
Assistant United States Attorney
201 Third St. NW, Suite 900
Albuquerque, NM 87102
(505) 346-7274
(505) 246-7296 fax

I certify that I served a copy of the foregoing pleading upon Counsel for Defendant by e-mail.



David P. Cowen
Assistant United States Attorney